

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

A new more descriptive title as suggested by the Examiner has been effected by the above amendment.

The entire application has also been reviewed and amended to put in more traditional U.S. format--including headings scattered throughout the specification and capitalization of trademarks as identified by the Examiner.

In addition, amendments have been made to claims 1, 2 and 4 so as to avoid the formality-based objections made to these claims.

In response to the rejection of claims 19, 20, 22 and 23 under 35 U.S.C. § 101, these claims have also been amended and/or cancelled so as to ensure that such claims are directed to statutory subject matter -- even under current U.S. Patent and Trademark Office standards.

Accordingly, all outstanding formality-based issues are believed to have been resolved in the applicant's favor.

The rejection of claims 1, 3, 7-9, 11 and 15-23 under 35 U.S.C. §103 as allegedly being made "obvious" based on Ahuja '869 in view of Al-Ghosein WO '084 is respectfully traversed.

Claim 1 has been amended to include the features of now cancelled claims 3 and 7. Thus, claim 1 now includes limitations of the information-collating module receiving loading information, and the control intermediary redirecting service requests to alternative server modules if the service request fails. Similar amendments have been made to the other independent claims.

In the applicant's invention, there is a separate information-collating module (e.g., the monitor server 35). The role of this module is to gather operational data from the server

modules, and to provide that information to the first (client) module. Both these features are important, coupled with the fact there is a separate information-collating module (i.e. it does not form part of the server modules or indeed the client module).

These features result in the advantage that intrusion to the server modules is kept to a minimum, as the monitoring is done by separate information-collating module. The information-collating module also handles requests for loading information from the control intermediary, relieving this burden from the server modules themselves.

In contrast, in Ahura pricing information is gathered by the client agent 38-i from the server modules directly. In Ahura, a pricing manager collects information on load from the various server modules, calculates price plans, and communicates this back to the server modules, which are then able to respond to price requests directly to the client agents (see column 10, lines 27 to 39).

This deficiency in Ahura is not rectified by Al-Ghosein. In Al-Ghosein, the collective metric data store 504 shown in Figure 7 is clearly part of the routing computer 70. Thus, Al-Ghosein, at best, discloses a control intermediary--but not a further information-collating module as claimed. Again, the purpose of the limitation of a distinct information-collating module and control intermediary being separate from the server and client modules is that the method results in improved stress reduction on the client and server modules, and thus improved load balancing. The method also lends itself to being applicable to existing servers and client systems with minimum interruption and modification to those existing systems.

The advantageous feature of load-balancing is further highlighted by the redirecting in the event of a failed request feature (original claim 3), which now forms part of claim 1. It should be noted that the redirecting to an alternative server module is done based on loading

information of the other server modules (as determined by the information-collating module).

The rerouting made in Ahura does not set out the criteria for rerouting, but only that it takes place.

Claim 1 also states that the operational status comprises "loading information associated with the modules", and that the control intermediary receives from the information-collating module an indication of the operational status. This feature is not disclosed in Ahura, which only teaches pricing information. The pricing information is then used to control load-balancing, so no actual loading information is passed onto the client agent, only pricing information.

The rejection of claims 2 and 10 under 35 U.S.C. §103 as allegedly being made "obvious" based on Ajuha/Al-Ghosein in further view of Stricek is also respectfully traversed.

Fundamental deficiencies of both Ajuha and Al-Ghosein have already been noted above with respect to parent claims. Stricek does not supply those deficiencies. Accordingly, it is not believed necessary at this time to discuss additional deficiencies of this allegedly "obvious" three-way combination of selected bits and pieces from different prior art references.

The rejection of claims 4-6 and 12-14 under 35 U.S.C. §103 also based on Ajuha/Al-Ghosein and Stricek is also respectfully traversed--with comments just above-made also being applicable here.

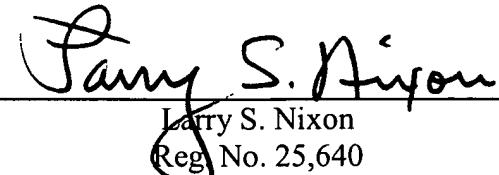
FARLEY et al
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Accordingly, this entire application is now believed to be in allowable condition and a formal notice to that effect is respectfully solicited.

Respectfully submitted,

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